EXHIBIT 4

CLAIMS
IN
FIRST
AMENDMENT
AFTER
OFFICE ACTION
(CLAIMS LIMITED)

entities such that information or content in whatever form may be transferred or passed from one device, site, location, person, or entity to another device, site, location, person, or entity.

THE CLAIMS revised 7/10/04

What I claim as my invention is:

1. A method for using a computer to enable or to facilitate ~~communication~~ the sending or transmission of email or electronic mail communication ~~between 2 or more parties~~ in which ~~a~~ the Sender party, at or before the time of sending or transmitting the communication, pays a fee, bears a cost, or provides consideration which benefits in part the receiving party, comprising:

    i. utilizing a network presence;

    ii. establishing and organizing one or more network or Internet-based Merchant Intermediaries, email gateways, message centers, e-commerce sites, or combinations thereof;

    iii. enabling one or more Sender Parties to input terms or information ~~inputting~~ into the

website, computer, or other database ~~computer search terms or information~~, including by the use of clicks on hypertext links, to search for or to locate <u>a Receiver Party or</u> an address, <u>name,</u> account, location, <u>affiliation,</u> or reference identification associated with a specific party to receive the communication;

iv. <u>enabling one or more Sender Parties to input</u> ~~inputting~~ into the computer information <u>(including inputting text, graphics, sound, or other information),</u> that creates, formats, forwards, edits, modifies, addresses, or directs a communication or transmission;

v. <u>enabling one or more Sender Parties to input</u> ~~inputting~~ into the computer a payment identifier, account information, security code, or other information to enable a <u>Sender</u> party to pay for, to assume a cost or obligation, to charge or otherwise to bill, to account, to debit, to access benefits, to license, or otherwise to transfer benefits or consideration that in whole or in part benefit a receiver party;

vi. **charging or requiring a threshold payment ~~or fee, accounting of pre-existing benefits,~~ or a ~~present~~ transfer of benefits ~~or consideration~~**

~~by Caller Party, Fan, or other party on Caller Party or Fan's behalf~~ <u>from Sender Party, at or before the time of sending or transmission of the Sender's</u> ~~prior to connecting, sending, transmitting, or forwarding Caller Party's or Fan's~~ communication to Receiver Party's account, ~~address, or to a location associated with a specific receiver~~;

    vii. segregating, transmitting, storing, holding, distributing, or passing through transmissions or communications ~~directed~~ to an account, address, or location associated with a specific receiver <u>party</u>, ~~account, or address~~;

    viii. compensating party who receives communications or participates in the method.

2. The method of claim 1, in which the step of ~~utilizing a network presence~~ <u>establishing and organizing one or more network or Internet-based Merchant Intermediaries, email gateways, message centers, e-commerce sites, or combinations thereof</u>, comprises:

    i. establishing one or more network presence(s) on one or more networks, computers, or devices;

    ii. <u>establishing one or more internet-based web-sites or network based interactive information</u>

providers including those incorporating one or more databases, web-based email providers, email gateways, traditional mail servers, e-commerce sites, or combinations thereof;

iii. organizing one or more internet-based web-sites or network-based interactive information providers including those incorporating one or more databases, web-based email servers, email gateways, traditional mail servers, e-commerce sites, or combinations thereof to allow Receiver Parties to input information; enable Receiver Parties to provide requested information (including contact, authentication, or financial information relating to Receiver Party) or other information requested by Merchant Intermediary; establish accounts (including email and payment accounts); enable one or more Receiver parties to list or publish information about themselves on the network presence or web-site of the Merchant Intermediaries; bind Receiver Party to agreement with Merchant Intermediary.

iv. further comprising:

establishing <u>one or more email account(s) and</u>

<u>address(es) for Receiver Party, including</u>

<u>establishing</u> unique addresses, accounts,

mailboxes, pass-through means, or other

identifiers or repositories for <u>Receiver</u>

parties to receive communications or

transmissions;

v. <u>establishing and</u> providing ~~a~~ <u>one or more</u>

network accessible searchable database<u>(s)</u>,

searchable ~~or~~ information display or interface

<u>of accounts, names, persons, entities,</u>

<u>identifiers, or other references related to</u>

<u>Persons or entities that have agreed to or</u>

<u>able to receive email or communication for a</u>

<u>fee</u> to enable a <u>Sender</u> party to browse, to

search for, to locate, or to find <u>a Receiver</u>

<u>Party or</u> an address, account, location, or

reference identification associated with a

specific <u>Receiver</u> party to receive the

communication;

vi. and providing additional information, pages

references, links, or other data about or

concerning the receiver party or its

associations.

3. The method of claim 1, in which the step, <u>or part of the</u> <u>step,</u> of ~~inputting into the computer search terms or~~ ~~information to search for or to locate the address,~~ ~~account, location, or reference identification associated~~ ~~with a specific party to receive the communication~~ <u>to</u> <u>search for or to locate a Receiver Party or an address,</u> <u>name, account, location, affiliation, or reference</u> <u>identification associated with a specific party to</u> <u>receive the communication</u>, comprises:

    i. ~~establishing unique addresses, accounts,~~ ~~mailboxes, pass-through means, or other~~ ~~identifiers or repositories for parties to~~ ~~receive, store, or access communications or~~ ~~transmissions;~~

    ii. verifying, checking, or authenticating that the specific <u>Receiver</u> parties to receive the communication are authentically associated with the commonly known party most often or commonly associated in the public's mind with the name or association of the name given as a party intending to receive communication;

    iii. <u>enabling the Merchant Intermediary, by</u> <u>automated means and other means, to check and</u> <u>verify the information provided by the</u> <u>Receiver Party upon the Receiver Party's</u> <u>establishment of an account and for the</u>

Merchant Intermediary to verify by use of third party authentication measures, computerized, automated, in person, and otherwise, that the Person or entity requesting to be affiliated with the Name is actually associated with the named Receiver Party;

    iv. Providing a means for the Sender Party to search, find, locate, identify, and access addresses, accounts, locations, or reference identifications associated with a specific party to receive the communication or transmission;

    v. Providing additional information about the receiver party or its associations.

4. The method of claim 1, in which the step of inputting into the computer search terms or information to search for or to locate the address, account, location, or reference identification associated with a specific party to receive the communication, comprises:

    i. establishing addresses, accounts, locations, reference identifications, identifiers, channels, codes, e-mail addresses, web site addresses or pages, storage accounts, or other repositories, pass-through accounts,

addresses, sites, or means for parties to receive or to store communication or transmission;

ii. organizing the addresses, accounts, locations, reference identifications, identifiers, channels, codes, e-mail addresses, web site addresses or pages, storage accounts, or other repositories, pass-through accounts, addresses, sites or means so that they can be searched and located by the name or association of the parties to receive the communication or transmission;

iii. providing a means to search, find, locate, identify, and access addresses, accounts, locations, or reference identifications associated with an account or address associated with a specific party to receive the communication or transmission.

5. The method of claim 1, in which the step of ~~inputting into the computer information that creates, formats, forwards, edits, modifies, addresses, or directs a communication or transmission~~ enabling one or more Sender Parties to input ~~inputting~~ into the computer information (including inputting text, graphics, sound, or other information), that creates, formats, forwards, edits,

modifies, addresses, or directs a communication or

transmission, comprises:

    i. Providing services or means to enable <u>Sender</u>

       parties to input information such as text,

       audio, or graphics or to create, to format, or

       to direct communications, e-mail, or

       transmissions.

6. The method of claim 1, in which the step of ~~inputting~~

   ~~into the computer a payment identifier, account~~

   ~~information, security code, or other information to~~

   ~~enable parties to pay for, to assume a cost or~~

   ~~obligation, to charge or otherwise to bill, to account,~~

   ~~to debit, to access benefits, to license, or otherwise to~~

   ~~transfer benefits or consideration~~ <u>enabling one or more</u>

   <u>Sender Parties to input</u> ~~inputting~~ <u>into the computer a</u>

   <u>payment identifier, account information, security code,</u>

   <u>or other information to enable a Sender party to pay for,</u>

   <u>to assume a cost or obligation, to charge or otherwise to</u>

   <u>bill, to account, to debit, to access benefits, to</u>

   <u>license, or otherwise to transfer benefits or</u>

   <u>consideration that in whole or in part benefit a receiver</u>

   <u>party</u> comprises:

    i. Establishing terms, conditions, and legal

       agreements between the <u>Sender Party and the</u>

       <u>Merchant Intermediary</u> parties;

ii. Inputting or enabling Receiver parties to input into the computer information that forms the basis of a contract and to require or to allow the Sender Party to accept or to form a legally binding contract or agreement between the Sender and Receiver parties on the Receiver Party's terms and conditions;

iii. Enable Merchant Intermediary to authenticate or to verify, by automated, in person, third party or other authentication means, the identity and information provided by a Sender Party;

iv. providing services or means to enable one or more Sender parties to pay for, to assume a cost or obligation, to charge or otherwise to bill, to account, to debit, to access benefits, to license, to provide consideration, or otherwise to compensate or benefit one or more other Receiver parties;

v. providing services or means to process payment, to transact financial transfers, to authenticate or authorize transactions, to charge a Sender party a fee or cost, to receive payment and consideration, to segregate consideration received, to account for consideration received, or otherwise to

enable a <u>Sender</u> party to provide or to transfer consideration.

7. The method of claim 1, in which the step of ~~segregating, transmitting, storing, holding, distributing, or passing through transmissions or communications directed to an account, address, or location associated with a specific party, receiver, account, or address~~ <u>segregating, transmitting, storing, holding, distributing, or passing through transmissions or communications</u> ~~directed~~ <u>to an account, address, or location associated with a specific receiver party,</u> ~~account, or address~~ comprises:

    i. Segregating, storing, holding, or directing transmissions or communications directed to a specific receiver party in or to an <u>web-based mail, traditional email, or other email</u> account, location or address associated with a specific receiver party;

    ii. transmitting, passing through, or distributing communication to Receiver parties or to an account or address or location associated with receiver party on or corresponding to a receiver party's request or agreement to access or receive communication.

8. The method of claim 1, in which the step of compensating party who receives communications or participates in the method comprises:

    i. Receiving, authorizing, and segregating financial and beneficial transfers;

    ii. accounting for fees, revenues, costs, and other items;

    iii. ~~transmitting, storing, holding, or distributing communication to receiver parties or to an account or address or location associated with receiver;~~

    iv. ~~enabling parties that have received communication to access the communication by enabling the parties to download, read, view, or otherwise access the communication;~~

    v. compensating or paying parties that have received communication or participated for his or her or their reception, participation, or per agreement.

9. A ~~system and~~ method for enabling or facilitating communication in which a Merchant Intermediary enables or facilitates one party to pay a fee, bear a cost, or provide consideration that in whole or in part benefits the party that receives the communication for the right

or opportunity to transmit or to direct a communication
to the receiver party, comprising:

    i. establishing an interface, site, identifier,
or network presence on one or more networks or
devices;

    ii. establishing addresses, accounts, identifiers,
channels, codes, e-mail addresses, web site
addresses, storage accounts, or other
repositories, pass-through accounts,
addresses, sites, or means;

    iii. establishing one or more unique ~~sites~~,
accounts, or addresses for unique receiver
parties in which the Merchant Intermediary may
hold, segregate, or pass through information
or transmissions directed to a specific
Receiver, account, or address;

    iv. establishing a means for a <u>Sender</u> party to
locate the address or account of a specific
receiver party;

    v. providing services or means to allow <u>Sender</u>
parties to create, to format, or to direct
communications or transmissions to specified
receiver parties;

    vi. providing services or means to allow <u>Sender</u>
parties to pay for, to assume a cost or

obligation, to charge or otherwise to bill, to account, to access benefits, to debit, to license, or otherwise to compensate or benefit the Merchant Intermediary or the Receiver;

vii. **charging or requiring a threshold payment of fee, accounting of pre-existing benefits, or a present transfer of benefits or consideration by Sender ~~Caller~~ Party, ~~Fan,~~ or other party on Sender ~~Caller~~ Party ~~or Fan~~'s behalf prior to connecting, sending, transmitting, or forwarding Sender ~~Caller~~ Party's ~~or Fan's~~ communication to Receiver Party's account, address, or to a location associated with a specific receiver;**

viii. providing services or means to receive fees, to segregate benefits received, to charge Sender parties a fee or cost or otherwise processes financial transactions or transfers associated with a Sender party's acquiring the right or the opportunity to transmit or to direct communication to an address or account associated with a specific Receiver party;

ix. receiving, authorizing and accounting for fees, revenues, costs, and other items;

x. transmitting, storing, holding, or distributing Sender Party's communication to Receiver parties or to accounts, addresses, or locations associated with Receiver parties;

xi. compensating or paying Receiver parties for his or her or their participation.

10. The method of claim 1 wherein the Sender party is referred or delivered directly to a page, address, account, or location associated with a receiver party such that the Sender party does not have to input or to search for or locate the page, address, account, or location associated with a receiver party.

11. The method of claim 1 wherein the Sender party does not have to input or enter any information or data relating to the address, account, or content of the communication because the Sender Party's communication is pre-existing or automatically directed, forwarded, transmitted, or otherwise addressed or sent to the address or account corresponding to the specific receiver party.

12. The method of claim 1 wherein the Sender party does not have to enter any payment identifier, account information, security code, or other information to enable the Sender party to access an existing account, to

transfer payment, or to provide consideration because the

Sender party's computer or other device, for example by

use of cookies or other means, automatically provides

this or other information.

13. [Withdrawn] ~~The method of claim 1, wherein the party~~

~~does not have to pay fees, or bear a cost because a third~~

~~party provides consideration or compensation that~~

~~benefits the receiver party.~~

14.

15. The method of claim 1 wherein the receiver party is

compensated with consideration other than money.

16. The method of claim 1 wherein the receiver party may

set the terms, price, and conditions of the agreement or

communication.

17. The ~~system and~~ method of claim 9 where the Sender

Party's communication is stored on the email server, host

computer, or other device of the Merchant Intermediary

and not transmitted immediately to another computer.

18. The method of claim 1 where the <u>Sender Party's</u>

communication includes one of more types or kinds of data

or information including for example, text, characters,

audio, graphics, compressed video, <u>instant messaging,</u>

<u>chat, voice,</u> or any other type of information that can be

expressed in binary or digital form.

19. The ~~system and~~ method of claim 9 wherein the ~~caller~~

<u>Sender</u> party accesses the Merchant Intermediary by

utilizing a voice network or communicates using voice or

audio information.

20. The method of claim 1 wherein the steps or processes

are automated or performed automatically, **except for the**

steps ~~ii-iv~~ <u>**iii-v**</u> **of claim 1 where they require inputting**

information into the computer.

21. The method of claim 1 wherein **the steps** ~~ii-iv~~ <u>**iii-v**</u>

of the method and steps may be taken in different orders

or sequences or performed simultaneously.